IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No.189 of 2006
In
Second Appeal St. No.12170 of 2005

State of Maharashtra — Applicants
Vs.
Sou.Mala Rajaram Paithankar & ors. — Respondents

Mr.R.M.Khadapkar, AGP for State.
Mr.Sachin Manale h/f. Mr.Suresh Pakale for resp.no.2.

CORAM: B.H.MARLAPALLE, J.

April 11, 2007.

P.C.

. Heard. Second Appeal under Stamp No. 12170 of 2005 has been filed but belatedly and, therefore, this application for condonation of delay. As per the office note the appeal has been filed beyond time by 75 days. Rule was granted on 8th February 2006.

. It has been stated that the lower Appellate Court decided RCA No.60 of 2004 on 16/10/2004 and an application for certified true copy was submitted on 21/10/2004 and the same was made available on 2/12/2004. However the Solicitor (ML) issued resolution for filing second appeal on 4/5/2005 and on the same day draft was made and sent for approval.

. Appeal has been presented on 6th May 2005.

Hence the delay caused in filing the second appeal deserves to be condoned.

. Consequently the application is allowed in terms of prayer clause (b). Appeal be registered and listed for admission on 18th April 2007.

(B.H.MARL